

RETURN DATE: JANUARY 3, 2023 : SUPERIOR COURT

**LITTLE HOUSE LIVING, LLC : JUDICIAL DISTRICT OF
NEW BRITAIN**

VS :

**PLANNING & ZONING COMMISSION : December 7, 2022
OF THE TOWN OF BERLIN**

CITATION

**TO ANY STATE MARSHAL OF THE COUNTY OF HARTFORD OR HIS DEPUTY
WITHIN SAID COUNTY, GREETING:**

BY AUTHORITY OF THE STATE OF CONNECTICUT, You are hereby commanded to summon the Town of Berlin in the County of Hartford and State of Connecticut, to appear before the Superior Court for the Judicial District of New Britain to be held at New Britain on January 3, 2023, said appearance to be made by the Town of Berlin, and the Planning & Zoning Commission of the Town of Berlin or its attorney by entering a written statement of appearance with the Clerk of said Court on or before the second day following the return day, then and there to answer unto the following complaint and appeal of Little House Living, LLC, 110 Court Street, Cromwell, Connecticut by leaving with or at the usual place of abode of the Town Clerk of the Town of Berlin, two true and attested copies of the complaint and appeal and of this Citation and Summons at least twelve days before the return day, in the manner provided by law for the service of civil process.

I hereby certify that I have personal knowledge of the financial responsibility of the Plaintiff and deem it sufficient to pay the costs of this action.

I hereby further certify that I have personal knowledge of the financial responsibility of the Plaintiff and deem it sufficient to pay the costs of this action.

Hereof fail not but of this writ with your doings thereon, make due service and return.

Dated at Berlin, Connecticut this 7th day of December, 2022.

A handwritten signature in black ink, appearing to read 'Richard H. Pentore', written above a horizontal line.

Richard H. Pentore
Commissioner of the Superior Court

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**TO THE SUPERIOR COURT OF THE JUDICIAL DISTRICT OF NEW BRITAIN TO BE
HELD AT NEW BRITAIN ON January 3, 2023**, comes LITTLE HOUSE LIVING, LLC, 110
Court Street, Cromwell, CT 06416 appealing from a decision of the Planning & Zoning
Commission of the Town of Berlin and the plaintiff complains and says:

1. The plaintiff Little House Living, LLC is the owner of property known as 1676 Berlin
Turnpike, Berlin, CT (the “Property”).

2. The Property is located in a BT 1 zone under the zoning regulations of the Town of
Berlin.

3. The defendant Planning and Zoning Commission of the Town of Berlin (the
“Commission”) is the agency empowered under the General Statutes to perform the function of a
Planning Commission pursuant to Chapter 126 of the General Statutes. The Commission has
authority to approve Special Permit and Site Plan applications under the zoning and subdivision
regulations of the Town of Berlin, and when acting on such applications, it acts in an
administrative capacity.

4. The Plaintiff applied to the Planning & Zoning Commission of the Town of Berlin by application dated July 11, 2022 seeking Special Permit and Site Plan approvals for a Planned Residential Infill Development pursuant to Section XI.DD of the Zoning Regulations of the Town of Berlin.

5. The Commission held public hearings on the application and denied the application at its meeting of November 17, 2022.

6. The plaintiff are aggrieved by the Commission's denial of the application as they are the owners of the Properties involved in the application.

7. In denying the application for subdivision, the defendant Commission acted illegally, arbitrarily and in abuse of the discretion vested in it by law as an administrative agency in that:


- a. It failed to approve an application which conforms to the agency's regulations;
- b. It failed to assign a proper reason for the denial of the application;
- c. It denied the application based on factors not contained in the regulations;
- d. It improperly interpreted its regulations;
- e. It illegally received evidence after the close of the public hearing;

WHEREFORE THE PLAINTIFF PRAYS THAT:


1. The appeal be sustained and the decision of the Commission be declared null and void.
2. The Court order the defendant to approve the Plaintiff's application.

Dated at Berlin, Connecticut this 7th day of December, 2022.

The Plaintiff-Appellant

By: 
Richard H. Pentore
Its Attorney

Please enter the appearance of
Richard H. Pentore, Esq.
785 Farmington Avenue
Kensington, CT 06037
Tel. 860 829-9741
Juris No. 100043


Richard H. Pentore
Commissioner of the Superior Court